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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,417	03/26/2004	Holger Heuermann	A36204 - 066340.0186	8924
21003	7590	03/09/2006	EXAMINER BARAN, MARY C	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ART UNIT 2857	PAPER NUMBER

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

W.A

Office Action Summary	Application No. 10/810,417	Applicant(s) HEUERMANN, HOLGER	
	Examiner Mary Kate B. Baran	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some * c) ☐ None of:
 - 1. ☒ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The action is responsive to the Amendment filed on 19 December 2005. Claims 1-7 are pending. Claims 1-6 are amended. Claim 7 is new.
2. The amendments filed 19 December 2005 are sufficient to overcome the prior objections to the specification, abstract and claims and the prior 35 U.S.C. 112 second paragraph rejections.

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Adamain (U.S. Patent No. 5,578,932).

Referring to claims 1-7, Adamain teaches a method for calibrating a vectorial network analyzer having multiple ports with multiple measurement locations (see Adamain, column 7 line 66 – column 8 line 4), wherein the port data is measured using either reflection data (see Adamain, column 9 lines 14-18) or transmission data (see Adamain, column 9 lines 20-40); connecting the measurement ports in any order via a switch (see Adamain, Figure 12); accurately calibrating the VNA, using models which are generated with the error coefficients and the additional impedance (see Adamain, column 11 lines 3-9) and transferring this data in the form of a scattering matrix (see Adamain, column 16 lines 1-12); measuring the data by means of a thru line or a short matched line which is connected between each of the possible measurement port combinations (see Adamain, column 16 line 60 – column 17 line 10), wherein n-known wave terminations which may be different from each other (see Adamain, column 10 lines 55-66); measuring the data using wave impedances of 50 ohms (see Adamain, column 17 lines 7-10); measuring a short circuit (see Adamain, column 16 line 60 – column 17 line 10), which is realized by means of n-unknown greatly reflective terminations (see Adamain, column 11 lines 3-9); measuring an open circuit (see Adamain, column 16 line 60 – column 17 line 10), which is realized by means of n-unknown greatly reflective terminations (see Adamain, column 11 lines 3-9); and mathematically determining the reflection based on the open circuit or short circuit

terminations (see Adamain, column 10 lines 45-54); wherein one of the greatly reflective terminations is known (see Adamain, column 12 lines 18-22).

Response to Arguments

5. Applicant's arguments filed 19 December 2005 have been fully considered but they are not persuasive.

Applicant argues that Adamain does not teach "n-known wave terminations which may be different from each other." However, Applicant's arguments are not well taken. Adamain teaches sending a plurality of different impedances, or wave terminations (see Adamain, column 9 lines 45-49), to the ports (see Adamain, column 9 lines 54-56 and column 10 lines 55-66).

Applicant further argues that Adamain does not teach "n-unknown greatly reflective terminations." However, Applicant's arguments are not well taken. Adamain teaches twelve term error coefficients (see Adamain, column 11 lines 45-47), wherein at least three of the coefficients are known (see Adamain, column 21 lines 25-33), however, these three knows are used to determine the remaining unknown coefficients (see Adamain, column 11 lines 3-10).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Kate B. Baran whose telephone number is (571) 272-2211. The examiner can normally be reached on Monday - Friday from 9:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2857

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1 March 2006


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800